

## Staff Summary Report



Council Meeting Date: 12/13/07

Agenda Item Number: 26

**SUBJECT:** This is the **second public hearing** to adopt an ordinance abandoning a public utility easement, located at 505 South College Avenue.

**DOCUMENT NAME:** 20071213PWCH04 ABANDONMENT (0901) ORDINANCE NO. 2007.88  
**SUPPORTING DOCS:** Yes

**COMMENTS:** This abandonment has been requested to accommodate the Development of this parcel as shown on the site plan submitted by the developer. This PUE was maintained after 6<sup>th</sup> Street was abandoned many years ago. The new plans show new easements that have been accepted through the Site Plan Review process.

**PREPARED BY:** LARRY SHOBE, ENGINEERING SERVICES ADMINISTRATOR (x8417)

**REVIEWED BY:** ANDY GOH, DEPUTY PW MANAGER/CITY ENGINEER (x8896)

**LEGAL REVIEW AS TO FORM:** CYNTHIA MCCOY, ASSISTANT CITY ATTORNEY (x2187)

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Adopt Ordinance No. 2007.88 and authorize the Mayor to execute any necessary documents.

Approved by Glenn Kephart, Public Works Manager

ORDINANCE NO. 2007.88

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF  
TEMPE, ARIZONA, ABANDONING A PUBLIC UTILITY  
EASEMENT LOCATED AT 505 SOUTH COLLEGE AVENUE.

\*\*\*\*\*

WHEREAS, it has been determined by the City Council that a public utility easement, described herein and shown on Exhibits "A" and "A-1", is no longer required by the City for use as such; and,

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon said easement, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

**Section 1.** That the City of Tempe does hereby abandon, relinquish and vacate the existing easement as described on Exhibit "A" and as shown on Exhibit "A-1" hereto attached.

**Section 2.** That all rights of the City in the easement abandoned shall vest in the record owner(s) of the subject property and shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part.

**Section 3.** The Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

**EXHIBIT "A"**  
**PUE ABADONMENT EXHIBIT**  
**LEGAL DESCRIPTION**

A portion of Sixth Street (designated as Third Street on TOWN OF TEMPE according to Book 1 of Maps, page 58, Maricopa County Records) as described in abandonment by City of Tempe Resolution 836 recorded in Docket 6014, page 175 and in Docket 6037, page 217, Maricopa County Records, located in the Southeast quarter of Section 15, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

**COMMENCING** at the brass cap in hand hole at the intersection of College Avenue and University Drive accepted as the south quarter corner of said Section 15, from which a brass cap in hand hole at the intersection of University Drive and Rural Road accepted as the southeast corner of said Section 15 bears North 89 degrees 19 minutes 00 seconds East a distance of 2646.76 feet;

Thence along the monument line of said College Avenue, North 00 degrees 09 minutes 04 seconds West a distance of 865.53 feet to a brass cap in hand hole at the intersection of College Avenue and Sixth Street;

Thence along the centerline of the abandoned Sixth Street, as described in said City of Tempe Resolution 836, North 88 degrees 03 minutes 57 seconds East a distance of 50.02 feet to a point on a line that lies 50.00 feet east of and parallel with the monument line of said College Avenue, said point being the **POINT OF BEGINNING**;

Thence leaving said centerline and along said parallel line, North 00 degrees 09 minutes 04 seconds West a distance of 45.02 feet;

Thence parallel with and 45.00 feet north of said centerline, North 88 degrees 03 minutes 57 seconds East a distance of 278.53 feet;

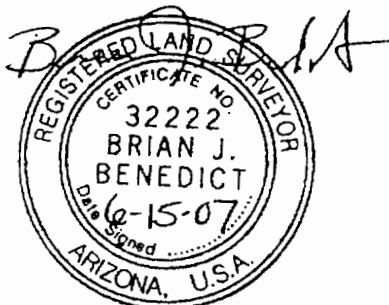
Thence South 01 degrees 56 minutes 49 seconds East a distance of 45.00 feet to said centerline;

Thence along said centerline, South 88 degrees 03 minutes 57 seconds West a distance of 279.94 feet to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 12,565 square feet (0.2885 acres), more or less.

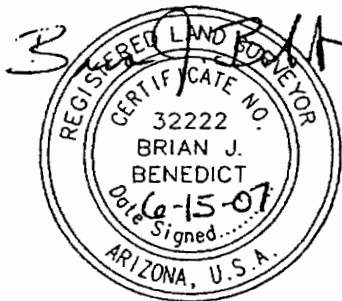
This description shown hereon is not to be used to violate subdivision regulation of the state, county and/or municipality or any other land division restrictions.

Prepared by: CMX, LLC  
7740 N. 16th Street, Suite 100  
Phoenix, Arizona 85020  
Project No. 7479  
Date: June 15, 2007



# EXHIBIT "A-1"

SOUTHEAST CORNER  
SECTION 15, T.1N., R.4E.,  
BRASS CAP IN HAND HOLE



S01°56'49"E  
45.00'

N88°03'57"E 278.53'  
**6TH STREET**  
(ABANDONED)  
3RD STREET PER BOOK 1, PAGE 58,  
M.C.R.

S88°03'57"W 279.94'

**UNIVERSITY DRIVE**

N89°19'00"E 2646.76'

**STADIUM DRIVE**

FOUND PK NAIL  
INTX OF COLLEGE AVE.  
& STADIUM DR.

N00°09'04"W  
45.02'

P.O.B.

N88°03'57"E  
50.02'

374.21'  
N00°09'04"W 1239.74'  
**COLLEGE AVENUE**

FOUND C.O.T. BRASS CAP  
IN HAND HOLE

**6TH STREET**

865.53'

SOUTH QUARTER CORNER  
SECTION 15, T.1N., R.4E.,  
FOUND C.O.T. BRASS CAP  
IN HAND HOLE P.O.C.

SITE AREA CONTAINS 12,565 SQ. FT.  
OR 0.2885 ACRES MORE OR LESS.

CMX PROJ.	7479	TEMPE STAD. TOWER & LUMINA TOWER
DATE:	06/15/07	STADIUM DR. & COLLEGE AVE.
SCALE:	NTS	TEMPE, ARIZONA
DRAWN BY:	SS	PUE ABANDONMENT EXHIBIT
CHECKED BY:	JKD	

7740 N. 16TH ST. STE.100  
PHOENIX, AZ 85020  
PH (602) 567-1900  
FAX (602) 567-1901  
www.cmxinc.com

